

Mail Stop Interference  
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Paper No.: 1  
Filed December 7, 2007

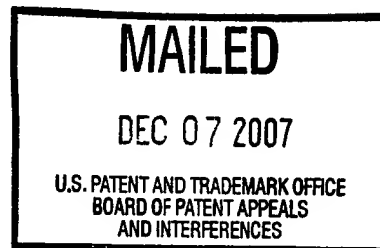
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Crucell Holland B.V.,  
Junior Party  
(Application 10/136,145,  
Inventor: Gosse Jan Adema),



v.

United States Of America As Represented By  
The Secretary Of The Department Of Health And Human Services ,  
Senior Party  
(Patent 5,844,075  
Inventors: Yutaka **Kawakami** Steven A. Rosenberg).

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Patent Interference 105,588 (RES)  
Technology Center 1600

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DECLARATION - Bd.R. 203(d)<sup>1</sup>

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1       An interference is declared (35 U.S.C. § 135(a)) between the above-  
2 identified parties. Details of the application(s), patent (if any), reissue application  
3 (if any), count and claims designated as corresponding or as not corresponding to  
4 the count appear in Parts E and F of this DECLARATION.

5       **Part B. Judge managing the interference**

6       Administrative Patent Judge Richard E. Schafer has been designated to  
7 manage the interference. 37 CFR § 41.104(a).

8       **Part C. Standing order**

9       A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
10 DECLARATION. The STANDING ORDER applies to this interference.

11       **Part D. Initial conference call**

12       A telephone conference call to discuss the interference is set for **4:00 p.m.**  
13 **on February 1, 2008** (the Board will initiate the call).

14       No later than **two business days** prior to the conference call, each party shall  
15 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;  
16 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

17       A time periods for taking action during the motion phase are set in an order  
18 accompanying this declaration.

1       **Part E. Identification and order of the parties**

2       **Junior Party**

3       Named inventors:       Gosse Jan **Adema**

4       Involved Application:   10/136,145 filed May 1, 2002

5       Title:                Melanoma Associated Antigenic Polypeptide,  
6                               Epitopes Thereof and Vaccines Against Melanoma

7       Assignee:             Crucell Holland B.V

8       **Senior Party**

9       Named Inventors:       Yutaka **Kawakami** and Steven A. Rosenberg

10      Involved Patent :     5,844,075 based on Application 08/417,174 filed  
11                               April 4, 1995

12      Title:                Melanoma Antigens And Their Use In Diagnostic  
13                               And Therapeutic Methods

14      Assignee:             United States Of America As Represented by the  
15                               Secretary of the Department of Health and Human  
16                               Services

17      The senior party is assigned exhibit numbers 1001-1999. The junior party is  
18      assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The  
19      senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1           **Part F. Count and claims of the parties**

2                           **Count 1**

3   A melanoma vaccine comprising an amino acid sequence selected from the group  
4   consisting of (1) Lys Thr Trp Gly Gin Tyr Trp Gln Val Leu, and (2) Lys Thr Trp  
5   Gly Gln Tyr Trp Gin Val.

6           The claims of the parties are:

7                   Crucell (Adema) Application 10/136,145: Claims: 1, 2 and 7

8                   HHS (Kawakami) Patent 5,844,075: Claims: 1-14

9           The claims of the parties that correspond to Count 1 are:

10                  Crucell (Adema) Application 10/136,145: Claims: 1, 2 and 7

11                  HHS (Kawakami) Patent 5,844,075: Claims: 1-3, and 5-14

12           The claims of the parties that do not correspond to Count 1, and therefore are  
13   not involved in the interference, are:

14                  Crucell (Adema) Application 10/136,145: None

15                  HHS (Kawakami) Patent 5,844,075: Claim: 4

16                           **Benefit**

17           The parties are accorded the following benefit for Count 1:

18                  Crucell (Adema) Application 10/136,145: None

19                  HHS (Kawakami) Patent 5,844,075: None

20   **Part G. Heading to be used on papers**

21           The following heading must be used on all papers filed in this interference,  
22   see SO ¶ 106.1.1:

Paper Leave blank

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

*Address @*

*((@@@) @@@- @@@@ (telephone)*

*((@@@) @@@- @@@@ (facsimile)*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Interference 105,588 (RES)  
(Technology Center 1600)

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite  
processing of the request. Please attach a copy of Parts E and F of this

- 1 DECLARATION with a hand-drawn circle around the patents and applications for
- 2 which a copy of a file wrapper is requested.

/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 5,844,075  
Copy of claims of Application 10/136,145

Revised 3 January 2006

cc (via overnight delivery):

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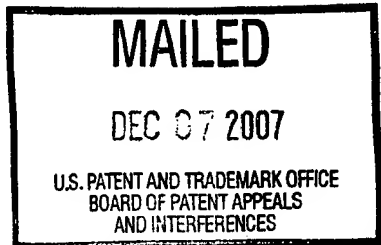
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UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231



Filed by: Richard E. Schafer  
Telephone: 571-272-4683  
Facsimile: 571-273-0042

Patentees: Dept. of Health and Human Services  
Application No.: 08/417,174, now Patent No.  
5,844,075, issued 12/01/1998.

Filed: 04/05/1995

For: Melanoma Antigens and their Use in Diagnostic  
and Therapeutic Methods.

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,588.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard E. Schafer/  
Administrative Patent Judge